



# **NORTHAMPTON LICENSE COMMISSION APRIL 15, 2009 Minutes**

*Commission Chairman Brad Shimel, Commissioner William Rosen,  
Commissioner Andrew Shelffo*

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Commissioner Shimel opened the special meeting at 4:05 p.m.

## **1. Recommendations of Police Chief Russell Sienkiewicz Regarding Operational Regulations and Pre-Emptive Measures:**

Chief Sienkiewicz presented a copy of tentative recommendation specific to Tully O'Reilly's and to Paradise City Tavern. (Attached) The management and their attorneys, as recently as the past 24-48 hours, are "in conversation" with the Police Department to clarify and agree to specific terms.

Chief Sienkiewicz stated that today he provided a copy of these proposed rules and regulations to the establishments and their attorneys. There is verbal agreement among all parties. Chief Sienkiewicz asks the Commission for more time to iron out the specifics with these two establishments; this, in no way, is not a request for dismissal of the Violation Hearings. A postponement is requested while the parties meet to discuss these proposed rules and regulations.

Chief Sienkiewicz referred to the proposed rules and regulations, which would be specific to Tully O'Reilly's and to Paradise City Tavern. There is a sticking point regarding the dress code issue. Chief Sienkiewicz stated that he understands that both Tully's and Paradise have been in touch with Eric Suher, owner of several establishments in Northampton, to mimic his rules and regulations regarding entrance, dress code and other rules.

Chief Sienkiewicz stated that due to budget cuts this year; he is scheduled to lay off at least 11 officers. Incidents such as in the Violation Hearings below are a strain on Police resources. Chief Sienkiewicz stated that two-thirds of arrests made are of people not from Northampton. People visit for the entertainment of Northampton.

Chairman Shimel asked for a time frame to accomplish these goals? Chief Sienkiewicz replied that approximately 30 days should be quite enough time.

Chairman Shimel asked to hear from the officers regarding the regulations and how these would be addressed. Sgt. Powers stated that the rules for 2 a.m. closing are used, and police are trained to watch that these rules are enforced. The establishments must also

control and follow these rules. Sgt. Robert Powers stated that he is often without the manpower when incidents arise. Specific requirements would alleviate the issues. Sgt. Powers stated further that this is the "tip of the iceberg" in doing research, and he finds these incidents are prevalent throughout the country.

Chairman Shimel addressed the requirement of video surveillance. Sgt. Powers stated that this is to the benefit of the establishment and also deters the patrons, as they know they are being videotaped.

Commissioner Rosen asked if police step in to control fights? Sgt. Powers stated that the establishments often do so, but police must at times step in. He feels that we have been lucky so far in that his resources have only had to deal with one establishment at a time.

Chairman Shimel asked if any representatives of the licensees would like to speak.

Attorney Joseph DeFazio, representing Paradise City Tavern, stated that the licensee has been establishing some of these proposed rules only by "hit and miss" – video camera, dress code, no colors, and no baggy pants. This licensee is "wholeheartedly in conversation" with the police regarding this. He believes they can come to agreement within 30 days.

Attorney Diane Fernald, representing Tully O'Reilly's, stated, "we want to take this opportunity to be proactive." They already have address code, and need to train staff for increased security.

Chairman Shimel stated that the June 3, 2009 meeting should be sufficient time for all parties to meet and come to an understanding. He encouraged all parties to keep the momentum and resolve these issues.

**Chairman Shimel moved that the Commission continue generally the Violation Hearing regarding Paradise City Tavern and the Violation Hearing regarding Tully O'Reilly's and the Elevens, and that further the licensees and the Police Department report back to the Commission at the June 3, 2009 meeting as to their progress in putting regulations and requirements in place.**

Commissioner Rosen clarified that the Violation Hearings have not actually been opened. The Commission is just pushing the Violation Hearings to the June meeting.

**2. Violation Hearing- Paradise City Tavern**

1 Bridge Street, Northampton, MA

Date of Violation: February 8, 2009

**3. Violation Hearing – Tully O'Reilly's and The Elevens**

1 Pearl Street, Northampton, MA

Dates of Violation: January 11, 2009 and January 24, 2009

**Commissioner Shimel clarified that the Violation Hearings would be addressed at the June meeting, and the separate issue of the status of these discussions regarding the regulations and rules would also be addressed. Commissioner Shelffo seconded the motion. The vote passed unanimously (3-0).**

**The meeting was adjourned at 4:30 pm.**

**The next meeting of the Northampton License Commission is May 6, 2009 at 4:00 p.m.**

In approximately March of 2005, the License Commission established a list of requirements that were to be followed if the bars were going to be allowed to extend their operating hours from 0100 to 0200. The seventh paragraph states that the license holders should "develop a training program for agents or employees during the trial period designed to promote public safety and order". It is our contention that overlooking the enforcement of this important section is a large part of our problem.

We believe that the best way for Tully's to cover the requirements of a training program would be to establish a set of policies and have them in place as soon as possible. The following are some of the more important points that should be put in place as soon as possible.

- o **Security manager or supervisor.** This security manager's job should be to oversee the hiring and training of the security staff. The security manager should be well spoken and possess the ability to resolve situations using communication skills. Managing security personnel and resolving conflict should be this person's only responsibility. He/she SHOULD NOT have any additional responsibilities such as bar back, bartender or server. He/she should have the final say in any conflicts that arise within the bar along with the authority to remove or trespass a patron from the bar. He/she should ensure that every member of the staff is CLEARLY identifiable as an employee and be responsible for their assignments.

The number of employees needed per shift, should be determined by the size and type of crowd. The security manager should have the ability to anticipate the size of the crowd and staff accordingly. They should also have the ability to increase the number of staff if the situation changes.

**The Doorman.** This employee is assigned to a fixed post at the only entrance to the establishment. Their responsibility should be clear, to determine what prospective patrons should be allowed access to the bar. They should be trained to recognize intoxicated or combative persons. When these people attempt to enter they should be DENIED access. This will eliminate problems later.

This employee should be both trained and properly equipped to check identification. Training should include the ability to identify false identification cards. To successfully complete this assignment, they should be equipped with the proper equipment IE: ultraviolet lights and magnifiers.

- o **Roving security.** The roving security has the responsibility to maintain peace inside of the establishment throughout the evening. These staff members would also be in a position to recognize potential problems brewing between patrons. These issues could be dealt with quickly and early to avoid the problems from escalating.

On a busy night, it is not feasible for a bartender to know if a patron is being over served. An attentive floor staff would be able to recognize that person or persons that have reached a safe limit. They would be in a better position to identify patrons whose friends maybe over supplying them with drinks. Another potentially bad situation could be averted

The roving staff should monitor the floor and restrooms for illegal activity. A clearly identifiable staff member constantly in the area and checking rest rooms etc would curtail illegal activity and drug use.

- **Adequate Staff** During the evening, security should be posted at every exit door to the bar. These potential emergency exits should be monitored to ensure that they are kept clear in the case of an emergency and not being used by patrons to allow unchecked persons or persons denied access to enter.

At closing time, there should be enough staff on hand to control and disperse the crowd. This includes clearing the bar as well as controlling the crowd outside on the street or in the parking area.

In the case of Tully's where the crowd commonly encroaches onto Rt5/Pleasant St, the bar should own or rent barricades that can control or direct patrons away from the major travel way. The staff should be adequate to control the crowd and the police should only step in when and if a crime is committed or a report needs to be taken.

All staff members should be trained in basic first aid and CPR.

**Dress code.** The establishment should establish a dress code that would eliminate members of "gangs" or persons affiliated with gang's entry into the bar. Admittance should not be allowed to anybody wearing gang "colors", baggy pants or hats. Patrons should be removed if they display any gang signs or actions that are violence related.

- **Clearly posted rules.** These rules should be clearly posted at the entrance to the bar and be easily readable.

The sign should make it clear what rules **WILL BE ENFORCED** inside the club/bar (see example). These violations should include disorderly behavior, fighting, drunkenness etc and should be strictly enforced.

If these rules are enforced equitably with all patrons, it will not take long for the establishment to develop the reputation that this behavior will not be tolerated. Patrons caught engaging in any of these actions should be removed from the bar immediately. The severity of their actions should cause the Security to determine whether that patron should be trespassed from the bar.

- **Trespass policy.** Patrons that exhibit disorderly or assaultive behavior should be formally trespassed from the bar. The record of the trespass and the person's information should be kept in a safe place that's easily accessible to the staff. The identification process could be made easier if photos could also accompany the trespass record. This information should be available to every employee to review. The security manager should ensure that the trespass book is updated and current and reviewed by every employee on a routine basis
- **Video surveillance** equipment should be purchased and positioned to record all public areas inside of the club and any property outside of the building that is part of this business. The surveillance equipment should have the ability to record and save material should it need to be reviewed at a later time.

If these changes are implemented and enforced, I believe that we will see a decrease in the need for police services at this bar. If the conduct continues, revoking the bars right to a 0200 closing should be reviewed.